



43

RULE 63 (37 C.F.R. 1.63)

COPY OF PAPERS
ORIGINALLY FILED

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

As a ~~believed~~ named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Secreted Protein Associated With Depression, Compositions and Methods of Use Thereof**, the specification of which was filed November 5, 2001 under Serial No. 10/021,416.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patent ability as defined in 37 CFR 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:


PRIOR FOREIGN APPLICATION(S):			Date first Laid- open or Published	Date Patented or Granted:	Priority Claimed Yes <input type="checkbox"/> No <input type="checkbox"/>
Number	Country	Day/MONTH/Year Filed			

I hereby claim domestic priority benefit under 35 U.S.C. 119/120/365 of the indicated United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patent ability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application:


PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATION(S)		Status	Priority Claimed?
Application No.:	Day/MONTH/Year Filed:	(pending, abandoned)	
60/245,852	03, November, 2000	converted	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint John E. Burke, Reg. 35,836, Robert J. Driscoll, Ph.D., Reg. 47,536, Jane K. Babin, Ph.D., Reg. 47,224, Mariette A. Lapiz, Reg. 44,202, and Nicole A. Verona, Reg. No. 47,153 all of Deltagen, Inc., 740 Bay Road, Redwood City, CA 94063, telephone number (650) 569-5100 (to whom all communications are to be directed), individually and collectively, as my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to add names of attorneys and/or patent agents as they see fit.

1. INVENTOR'S SIGNATURE:  Date 5/28/02
Inventor's Name: **Russell PHILLIPS** Country of Citizenship: **United States of America**
Residence (City, State): **Menlo Park, CA**
Post Office Address: **612 Cambridge Avenue, #3
Menlo Park, California 94025**

2. INVENTOR'S SIGNATURE: _____ Date _____
Inventor's Name: **Thadd C. REEDER** Country of Citizenship: **United States of America**
Residence (City, State): **San Carlos, CA**
Post Office Address: **113 Alberta Avenue
San Carlos, California 94070**

3. INVENTOR'S SIGNATURE:  Date 7/19/02
Inventor's Name: **Keith D. ALLEN** Country of Citizenship: **United States of America**
Residence (City, State): **Cary, North Carolina**
Post Office Address: **224 Custer Trail
Cary, North Carolina 27513**

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****COPY OF PAPERS
ORIGINALLY FILED**

As a ~~Believed~~ named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Secreted Protein Associated With Depression, Compositions and Methods of Use Thereof**, the specification of which was filed November 5, 2001 under Serial No. 10/021,416.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patent ability as defined in 37 CFR 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

PRIOR FOREIGN APPLICATION(S):			Date first Laid- open or Published	Date Patented or Granted:	Priority Claimed Yes <input type="checkbox"/> No <input type="checkbox"/>
Number	Country	Day/MONTH/Year Filed			

I hereby claim domestic priority benefit under 35 U.S.C. 119/120/365 of the indicated United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patent ability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application:

PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATION(S)		Status	Priority Claimed?
Application No.:	Day/MONTH/Year Filed:	(pending, abandoned)	
60/245,852	03, November, 2000	converted	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

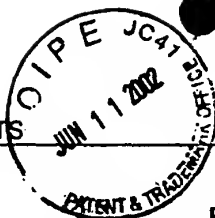
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint John E. Burke, Reg. 35,836, Robert J. Driscoll, Ph.D., Reg. 47,536, Jane K. Babin, Ph.D., Reg. 47,224, Mariette A. Lapiz, Reg. 44,202, and Nicole A. Verona, Reg. No. 47,153 all of Deltagen, Inc., 740 Bay Road, Redwood City, CA 94063, telephone number (650) 569-5100 (to whom all communications are to be directed), individually and collectively, as my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to add names of attorneys and/or patent agents as they see fit.

1. INVENTOR'S SIGNATURE: _____ Date _____
Inventor's Name: **Russell PHILLIPS** Country of Citizenship: **United States of America**
Residence (City, State): **Menlo Park, CA**
Post Office Address: **612 Cambridge Avenue, #3**
Menlo Park, California 94025

2. INVENTOR'S SIGNATURE: Thadd C. Reeder Date 5/22/2002
Inventor's Name: **Thadd C. REEDER** Country of Citizenship: **United States of America**
Residence (City, State): **San Carlos, CA**
Post Office Address: **113 Alberta Avenue**
San Carlos, California 94070

3. INVENTOR'S SIGNATURE: _____ Date _____
Inventor's Name: **Keith D. ALLEN** Country of Citizenship: **United States of America**
Residence (City, State): **Cary, North Carolina**
Post Office Address: **224 Custer Trail**
Cary, North Carolina 27513



COPY OF PAPERS
ORIGINALLY FILED

BOX ASSIGNMENTS

RECORDATION FORM COVER SHEET
PATENT APPLICATIONS AND PATENTS

TO THE COMMISSIONER FOR PATENTS AND TRADEMARKS:

Sir: Pl as record the enclosed documents.

1. NAME OF CONVEYING PARTY/IES:

- a. Russell Phillips
- b. Thadd C. Reeder
- c. Kelth D. Allen

2. PARTY(ASSIGNEE) RECEIVING INTEREST:

NAME: Deltagen, Inc.
ADDRESS: 740 Bay Road
Redwood City, CA 94063

3. NATURE OF CONVEYANCE: (Submit one document for recordation--multiple copies signed by different inventors is one document)

- ☒ Assignment of ☒ Whole ☐ Part interest
☐ Change of name ☒ Patent Application
☐ Security ☐ Merger ☐ Other:

Execution date: April 19, 2002;
May 22, 2002; May 28, 2002

4. Pat. App. No.	Filing Date	Deltagen Ref.			
10/021,416	November 5, 2001	R-236			

5. Name and address of party to whom correspondence concerning document should be mailed:

Deltagen, Inc.
740 Bay Road
Redwood City, CA 94063
Tel. (650) 569-5100
Fax (650) 569-5280

6. NUMBER INVOLVED:

Appls: 1 + Pats: 0 = TOTAL 1

7. Amount of fee enclosed: \$40.00

8. If fee is missing or inadequate, please charge insufficiency to: Deposit Account No. 50-1271
Order No. R-236

9. STATEMENT AND SIGNATURE. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

MARIETTE A. LAPIZ, Reg. No. 44,202

Mariette A. Lapis

Date: May 28, 2002

10. Total pages including this cover sheet and document: 3

ASSIGNMENT of U.S. Origin Patent Application

WHEREAS, the undersigned inventors, (1) **Russell Phillips**; (2) **Thadd C. Reeder**; and (3) **Keith D. Allen**, (hereinafter ASSIGNORS), have made an invention entitled: **Secreted Protein Associated With Depression, Compositions and Methods of Use Thereof**, for which an application for U.S. Letters Patent was filed in the United States Patent and Trademark Office on **November 5, 2001**, under Application No. **10/021,416**; and

WHEREAS, ASSIGNORS desire to assign all right, title and interest in and to the above-identified invention to the ASSIGNEE identified below; and

WHEREAS, **Deltagen, Inc.**, ASSIGNEE, a corporation duly organized and existing under the laws of the State of **Delaware** and having its principal office and place of business at **740 Bay Road, Redwood City, California 94063**, desires to acquire an interest therein;


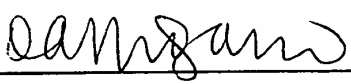
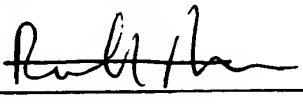
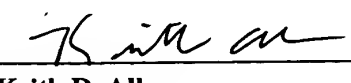

~ ~ ~

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, said ASSIGNORS do hereby sell, assign and transfer unto ASSIGNEE, its successors, assigns and legal representatives, the full and exclusive right, title and interest to the said invention in the United States and all foreign countries, as described in the aforesaid application, and to the said application and to all continuations, divisions, reissues and substitutes of said application, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States of America adheres, and ASSIGNORS hereby authorize and request the Commissioner of Patents to issue said Letters Patent to ASSIGNEE, for its interest as ASSIGNEE, its successors, assigns and legal representatives.

AND ASSIGNORS hereby agree to execute any papers requested by ASSIGNEE, its successors, assigns and legal representatives, deemed essential to ASSIGNEE's full protection and title in and to the invention hereby transferred.

ASSIGNORS further agree, upon request of ASSIGNEE, and without further remuneration, to execute any and all papers desired by said ASSIGNEE for the filing and granting of foreign applications and the perfecting of title thereto in said ASSIGNEE.

Executed on the date below indicated.

Signature	Date Signed	Witness
(1) <u></u> Russell Phillips	<u>5/28/02</u>	<u></u>
(2) <u></u> Thadd C. Reeder	<u></u>	<u></u>
(3) <u></u> Keith D. Allen	<u>4/17/02</u>	<u></u>

ASSIGNMENT of U.S. Origin Patent Application

WHEREAS, the undersigned inventors, (1) **Russell Phillips**; (2) **Thadd C. Reeder**; and (3) **Keith D. Allen**, (hereinafter ASSIGNORS), have made an invention entitled: **Secreted Protein Associated With Depression, Compositions and Methods of Use Thereof**, for which an application for U.S. Letters Patent was filed in the United States Patent and Trademark Office on **November 5, 2001**, under Application No. **10/021,416**; and

WHEREAS, ASSIGNORS desire to assign all right, title and interest in and to the above-identified invention to the ASSIGNEE identified below; and

WHEREAS, **Deltagen, Inc.**, ASSIGNEE, a corporation duly organized and existing under the laws of the State of **Delaware** and having its principal office and place of business at **740 Bay Road, Redwood City, California 94063**, desires to acquire an interest therein;

~ ~ ~

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, said ASSIGNORS do hereby sell, assign and transfer unto ASSIGNEE, its successors, assigns and legal representatives, the full and exclusive right, title and interest to the said invention in the United States and all foreign countries, as described in the aforesaid application, and to the said application and to all continuations, divisions, reissues and substitutes of said application, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States of America adheres, and ASSIGNORS hereby authorize and request the Commissioner of Patents to issue said Letters Patent to ASSIGNEE, for its interest as ASSIGNEE, its successors, assigns and legal representatives.

AND ASSIGNORS hereby agree to execute any papers requested by ASSIGNEE, its successors, assigns and legal representatives, deemed essential to ASSIGNEE's full protection and title in and to the invention hereby transferred.

ASSIGNORS further agree, upon request of ASSIGNEE, and without further remuneration, to execute any and all papers desired by said ASSIGNEE for the filing and granting of foreign applications and the perfecting of title thereto in said ASSIGNEE.

Executed on the date below indicated.

<u>Signature</u>	<u>Date Signed</u>	<u>Witness</u>
(1) _____ Russell Phillips	_____	_____
(2) _____ Thadd C. Reeder	5/22/02	Rebecca Browning witness
(3) _____ Keith D. Allen	_____	_____